REMARKS

This application has been reviewed in light of the Office Action dated April 7, 2004. Claims 1, 3-5, 7, 11-13, 15, 17-20, 24 and 26-40 are presented for examination, of which Claims 20, 26-29 and 38 are in independent form. Claim 2 has been cancelled without prejudice or disclaimer of subject matter, and Claims 30-40 have been added to provide Applicants with a more complete scope of protection. Claims 1, 3, 4, 7, 11, 12, 15, 20, 24 and 26-29 have been amended to define still more clearly what Applicant regards as his invention. Favorable reconsideration is requested.

Claims 1-4, 7, 15, 19, 20, 24, 26 and 29 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,686,918 B1 (Cajolet et al.), and Claims 5, 11-13, 18, 27 and 28 were rejected under 35 U.S.C. § 103(a) as being obvious from *Cajolet* in view of U.S. Patent 6,353,461 B1 (Shore et al.).

Independent Claim 26 is directed to (a) a computer-based method of editing time-based video content to form a description of an output production, the method comprising the steps of: (b) selecting a plurality of time-based video content items; (c) selecting a pre-defined template; (d) deriving an attribute characterizing at least one of said time-based video content items; (e) defining a computer-based editing process dependent upon the attribute and the pre-defined template; and (f) applying the computer-based editing process to at least one of the time-based video content items and a description of

the time-based video content items thereby to form the description of the output

production, and (g) the applying step is performed prior to presenting any information

depending upon the description of the output production.

Recited feature (f) of applying the computer-based editing process to at least

one of the time-based video content items and a description of the time-based video

content items thereby to form the description of the output production, constitutes the

operative part of the editing process in which the time-based video content items or a

description thereof are operated upon by the computer-based editing process to form the

description of the output production.

The fact that this operative part of the editing process is performed prior to

presenting any information depending upon the description of the output production means

that the operative part of the editing process is performed without the user being presented

with any information about what is transpiring. This can be understood by considering the

fact that a manual editing process such as that of *Cajolet* requires that the user be presented

with a continuously updated picture of the evolving output production, for example in the

form of the time-line, while the manual editing process is being performed. The time-line

presents an evolving picture of the output production, and is thus information depending

upon the description of the output production. Without this presentation of information,

which is clearly presentation of information depending upon the description of the output

production, the manual editing process cannot be performed, as the user is unable to know what is transpiring.

The automatic nature of feature (f), which takes place without any user intervention, is supported by the description which states that "... temporal mapping and effects mapping ... may be applied automatically to input content ... [for] .. examples in which minimal information is available ... about the input content ... and without direction or input or control by the user other than to select the entirety of the input content ... Furthermore, the ... invention may not include user control of, or selection of, temporal structure mapping functions ... nor of effects mapping functions ... Further, the specific temporal mapping function or functions and effects mapping functions ... may be automatically selected without user control ...." (page 10, lines 14-29; it is to be understood that the claims are not limited by the details of any portion of the disclosure).

Cajolet relates to a "non-linear editing (NLE) system for editing and/or modifying 3D animation information" (Abstract). The 3D information relates to elements that include parameters that characterize the elements, e.g. "the element ... includes at least one parameter, such as a start position, end position, animation speed...." (column 2, lines 41-43).

Cajolet discusses manual editing examples in which, for example, "The selected element is represented to the user as a clip object which the user can position in a

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graphical display of the computer relative to a time line" (Column 2, lines 44-46) and in which, for example, "Modifications to the edit can be achieved by the user repositioning and/or resizing the clip objects" (Column 2, lines 55-57). It is apparent that the user can only position the clip object in the time line if the time line is presented to the user. Since the time line is a continuously updated picture of the evolving output production, this is information depending upon the description of the output production. Applicants submit that nothing has been found, or pointed out, in *Cajolet* that would disclose (and indeed, Applicants strongly believe that that patent, as discussed above, actually teaches away from) the applying step being performed prior to presenting any information depending upon the description of the output production.

In other words, the fact that *Cajolet* relates to a manual editing arrangement which presents a continuously updated time-line to the user teaches away form an automatic process in which the applying step is performed to presenting any information depending upon the description of the output production.

The Office Action asserts that *Cajolet* uses a "pre-defined template" to establish an editing process, and points to use of a time line area as disclosing the pre-defined template.

In the present application, the template is a "collection of rules or rule-sets" (page 11, line 22). The aspect of being pre-defined can be understood by nothing that "said

rules .. may have been created ... under the ... control of an expert" (page 12, lines 26-28).

Accordingly, the pre-defined template is a set of rules that has been pre-defined prior to applying the computer-based editing process to the time-based video content items.

In contrast, the time-line in *Cajolet* is merely a graphical representation of the description of the output production, and does not suggest the pre-defined template of Claim 26.

Accordingly, for at least the reasons noted above, Claim 26 is believed to be plainly allowable over *Cajolet*.

Independent Claim 20 and 29 have been amended to recite the same or equivalent features to those of Claim 26 as discussed above. Accordingly, for at least the reasons noted in regard to Claim 26, Claims 20 and 29 are also allowable over *Cajolet*.

Having regard to independent Claims 27 and 28, the Office Action concedes that *Cajolet* does not explicitly disclose "capturing the multi-media content" and cites *Shore '461* in this regard. *Shore '461* makes reference to editing, and states, for example, that "Time code information is stored in the database in relation to corresponding recordings and may subsequently be used to create an edit decision list" (column 8, lines 48-51). However, *Shore '461* appears to relate only to manual editing arrangements, as exemplified by the statement that "Actual insertion of a cut point 295 is effected by pressing the space bar on the system keyboard at the desired insertion point ... while a

preferred embodiment uses the space bar as a means for inserting cut points 295, other keys or means, including a selectable screen graphic .. may alternatively be utilized consistently herein" (Column 13, lines 48-58).

Shore '461 does not appear to disclose or suggest an automatic process in which an applying step is performed prior to presenting any information depending upon the description of the output production.

The aspects relating to "capturing the multi-media content" have been deleted from Claim 27 as amended. Furthermore, Claim 27 has been amended to recite the same or equivalent features as Claim 26 as discussed above.

Establishment of a *prima facie* case of obviousness, of course, requires that the prior art references when combined must teach or suggest all of the recitations of the claim in question. Even presupposing that *Cajolet* were to be combined with *Shore*, and that the proposed combination would be a proper one, this combination would as discussed above still not teach or suggest all the features of Claim 27.

It is thus submitted, for at least the reasons noted, that Claim 27 is patentable over *Cajolet* and *Shore '461*, whether these documents are considered separately or in combination.

Independent Claim 28 has been amended to recite the same or equivalent features as those of Claim 27. Accordingly, for at least the reasons noted in regard to
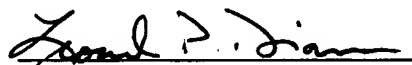
Claim 26, it is submitted that Claim 27 is patentable over those two patents, whether considered separately or in combination.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

Leonard P. Diana
Attorney for Applicants
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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